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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK BURDETT,

Case No. C-06-00720 JCS

Plaintiff,

v.

RAMON REYNOSO, ET AL.,

Defendants.

COURT'S PROPOSED SPECIAL VERDICT FORM

DATED: December 11, 2007



Hon. Joseph C. Spero
UNITED STATES MAGISTRATE JUDGE

JURY VERDICT

We, the jury, unanimously find as follows:

I. EXCESSIVE FORCE

- 1. Did plaintiff prove by the preponderance of the evidence that any of the following defendants use excessive force against plaintiff Mark Burdett, in violation of his rights under the Fourth Amendment to the United States Constitution?**

MICHAEL CESARI ___ YES ___ NO

RAMON REYNOSO ___ YES ___ NO

MARK SHEA ___ YES ___ NO

STEPHEN SMALLEY ___ YES ___ NO

If you answered "YES" as to any defendant in Question 1, go on to Question 2.

If you answered "NO" as to all defendants in Question 1, skip Question 2 and go to Question 3.

II. CONSPIRACY TO USE EXCESSIVE FORCE

- 2. Did any of the following defendants conspire to use excessive force against plaintiff Mark Burdett in violation of his rights under the Fourth Amendment to the United States Constitution?**

MICHAEL CESARI ___ YES ___ NO

RAMON REYNOSO ___ YES ___ NO

MARK SHEA ___ YES ___ NO

STEPHEN SMALLEY ___ YES ___ NO

Go to Question 3.

III. WRONGFUL SEIZURE OF PLAINTIFF'S VIDEO CAMERA

- 3. Did plaintiff prove by the preponderance of the evidence that any of the following defendants intentionally damaged Mr. Burdett's video camera, in violation of his rights under the Fourth Amendment to the United States Constitution?**

MICHAEL CESARI ___ YES ___ NO

RAMON REYNOSO ___ YES ___ NO

MARK SHEA ___ YES ___ NO

Go to Question 4.

8. **Did defendants prove by a preponderance of the evidence that defendant John Delfin was authorized to obtain plaintiff's thumbprint and that he did so in accordance with standard professional practices?**

___ YES ___ NO

Go to Roman Numeral VI (Damages Section).

VI. DAMAGES

If you answered "NO" to Questions 1, 2, 3, 4 **and** 7, then skip this section and turn to the last page of this form.

If you answered "YES" to any of those questions (that is, 1, 2, 3, 4 **or** 7), please answer Questions 9-10.

9. **What do you find to be the total amount of damages suffered by plaintiff Mark Burdett?**

Amount: \$_____ (You must award at least \$1.00)

Go to Question 10.

10. **Do you find that plaintiff proved by a preponderance of the evidence that any of the following defendants' conduct was malicious, oppressive or in reckless disregard of the plaintiff's rights?**

MICHAEL CESARI ___ YES ___ NO

RAMON REYNOSO ___ YES ___ NO

MARK SHEA ___ YES ___ NO

STEPHEN SMALLEY ___ YES ___ NO

JOHN DELFIN ___ YES ___ NO

Go to the next page of this form.

1 VII. SIGN AND DATE THE SPECIAL VERDICT FORM

2 **Signed:**_____

3 **Foreperson of the Jury:**_____

4 **Dated:**_____

5 After this verdict form has been signed and dated, please submit a Jury Note to the Court
6 Security Officer notifying the Court that the Jury has reached a verdict. Please return the verdict
7 form to the Courtroom Deputy.

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